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February 1, 2012

**VIA ECF**

Hon. Arthur D. Spatt  
United States District Judge  
P.O Box 9014  
Central Islip, NY 11722-9014

Re: GENOMETRICA RESEARCH, INC.  
v. GORBOVITSKY, et al.  
Case No.: 11-CV-5802(ADS)(AKT)  
Our File No.: 7375-G

Honorable Judge Spatt:

We represent Plaintiff Genometrica Research Inc. (hereinafter "Genometrica") in connection with the matter referenced herein above. We write to request a sixty (60)-day extension of time for Genometrica to file its Opposition to Defendants' Motion to Dismiss under Fed. R. Civ. P. 12(b)(6) (Court Doc. No. 7). The requested extension will move Genometrica's deadline to file its opposition papers from February 2, 2012 to April 3, 2012.

This is Genometrica's First Request for a Continuance in connection with Defendants' Motion to Dismiss.

Defendant's Motion raises a number of complex issues. Further, Genometrica's response to the motion may necessitate, among other things, affidavits by Genometrica's officers, who are currently outside the United States, and an Amended Complaint. The Amended Complaint itself will likely contain new complex issues, additional facts, and additional causes of action. While we have already begun discussions with Genometrica's officers regarding many of the issues that Defendants raised in their motion, we will be unable to finalize any affidavits, or come to an understanding about additional causes of action, until Genometrica's officers are back in the United States. We expect that Genometrica's officers, who are foreign nationals, will arrive back in the United States, some time within the next 30 days.

Pursuant to the Fed. Rules of Civil Procedure, the Local Rules of the Eastern District of New York and your Honor's Individual Rules, we have been discussing all of the foregoing with Defendants' counsel Mr. Rapp and Mr. Morrison since January 24, 2012. Annexed hereto are copies of e-mails we have exchanged with counsel together with our proposed stipulation for the continuance. Notwithstanding our numerous attempts, the most recent of which was earlier today,

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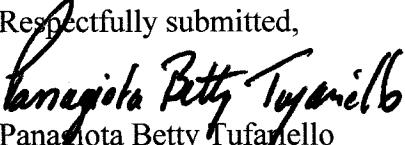
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Defendants continue to refuse, without reason, the requested professional courtesy of an extension. Their continued refusal has necessitated this letter request.

We respectfully ask that the Court grant this request for an extension.

Your Honor's patience and professional courtesies are greatly appreciated.

Respectfully submitted,

  
Panagiota Betty Tufariello

PBT:ic

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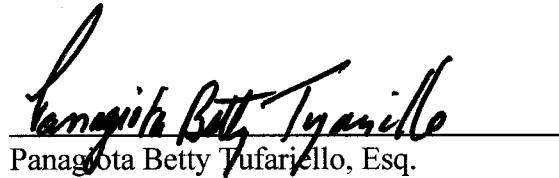
**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing **LETTER TO HON. SPATT TOGETHER WITH ATTACHMENTS** has been filed via ECF, a notice of which will be sent by operation of the Court's electronic filing system to all parties, and has also been served to counsel for Defendants via Electronic Mail, addressed to:

Arthur Morrison, Esq.  
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E-mail: akatz@xand.com

William V. Rapp, Esq.  
85 River Road  
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E-mail: wrapp@law.pace.edu

on Wednesday, February 1, 2012

  
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Panagiotis Betty Tufariello, Esq.